

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 7, 2004 PLANNING COMMISSION MEETING

P.A.S.: Street and Alley Vacation #04009

PROPOSAL: Vacate the section of North 58th Street right-of-way between Colfax Avenue and Murdock Trail.

LOCATION: North 58th Street and Colfax Avenue

LAND AREA: 9,480 square feet, more or less.

CONCLUSION: The vacation of this right-of-way conforms to the Comprehensive Plan provided easements are retained for public utilities.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: North 58th Street right-of-way from the north line of Colfax Street north 142 feet to the easterly extension of the north lot line of Lot 12, Block 116, Havelock, located in Section 9 T10N R7E, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North:	David H. Murdock Trail	I-1 Industrial
South:	North 58 th Street right-of-way	
East:	Commercial	I-1 Industrial
West:	Vacant	I-1 Industrial

ASSOCIATED APPLICATIONS: Change of Zone #04040; I-1 to R-5
Special Permit #04032; Domiciliary Care Facility

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan shows this area as Industrial. (F 25)

UTILITIES: LES and the Public Works and Utilities Department have facilities within this right-of-way area.

TRAFFIC ANALYSIS: This is an unimproved section of North 58th Street, and is not currently used for traffic purposes. This section is not planned for improvement within the current CIP or the Comprehensive Plan.

ALTERNATIVE USES: This parcel could currently be developed for any permitted use in the I-1 Industrial district. Associated application Change of Zone #04040 seeks to change the zoning on adjacent property on the west to R-5 Residential. Each abutting property owner intends to purchase their abutting half of the right-of-way. Assuming this vacation and the change of zone are approved, the west half of this right-of-way will be zoned R-5, and the east half will be zoned I-1. In addition, public utility easements have been requested over the entire vacated area. In this case, neither half of the right-of-way would realistically be developable on its own.

ANALYSIS:

1. This is a request to vacate an unimproved section of North 58th Street right-of-way between Colfax Avenue and Murdock Trail.
2. This vacation will create lots without frontage or access to a public street. As a condition of approval, a final plat should be submitted creating lots that conform to the subdivision ordinance.
3. LES and the Public Works and Utilities Department have facilities within this right-of-way. They have requested an easement over the entire vacated area for existing and future facilities.
4. Applicants have expressed an intent to purchase the right-of-way if vacated.
5. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.
6. The petitions to vacate as submitted are deficient. In one case, it appears the prospective owner signed rather than the actual owner; however, the actual owner submitted their consent to the vacation. In the other case, the capacity of the signor is inaccurate. Both Applicants have agreed to submit revised petitions to the satisfaction of the Law Department.

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 Satisfy the provisions of Chapter 14.20 of the Lincoln Municipal Code.
- 1.2 Submit revised petitions to the satisfaction of the Law Department.
- 1.3 Prior to the transfer of title to the property:

- 1.3.1 The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and all requirements of the final plat have been completed except the transfer of ownership of the vacated street to the subdividers.
- 1.3.2 The City will retain an easement over the entire vacated area for existing and future public utilities.

Prepared by:

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Date: June 24, 2004

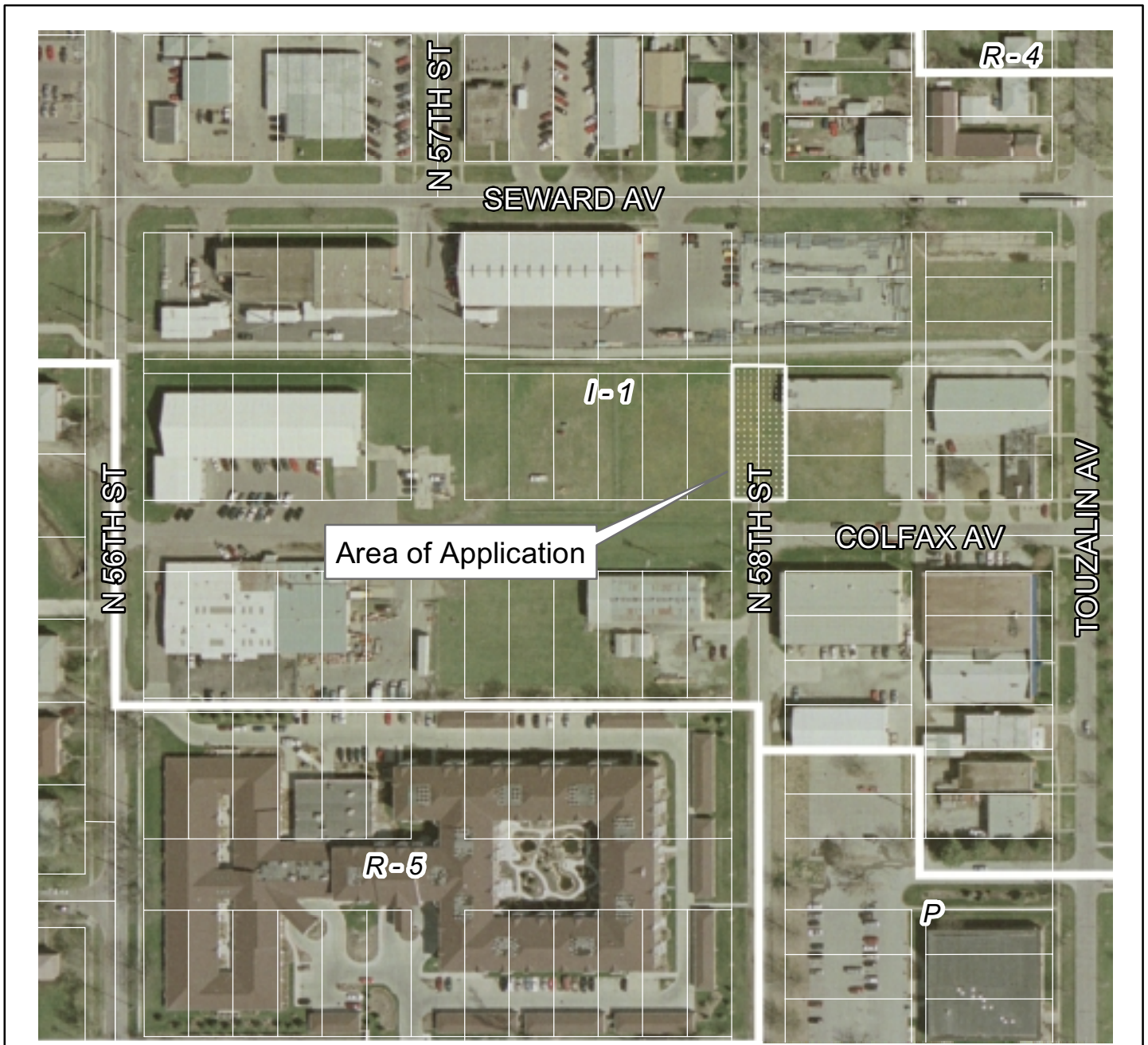
Applicants: Joyce-Hinkley LTD. Partnership
8101 "O" Street, Suite 100
Lincoln, NE 68510
489.3387

STS Real Estate Management Company, LTD
407 South 27th Avenue
Omaha, NE 68135
800.777.8326

Owners: NC+ Hybrids Cooperative
3820 North 56th Street
Lincoln, NE 68504
467.2517

STS Real Estate Management Company, LTD
407 South 27th Avenue
Omaha, NE 68135
800.777.8326

Contact: Mark Hunzeker
1045 Lincoln Mall, Suite 200
Lincoln, NE 68508
476.7621



2002 aerial

Street & Alley Vacation #04009 N. 58th St. & Colfax Ave.

Havelock Ave.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

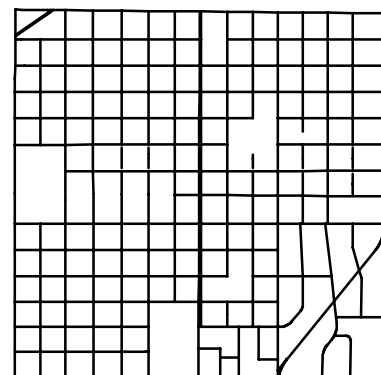
One Square Mile
Sec. 9 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction

N. 56th St.



N. 70th St.

Adams St.

Lincoln City - Lancaster County Planning Dept.